



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HUANG et al.

CASE NO: CL1943 US NA

SERIAL NO: 10/630,248

GROUP ART UNIT: 1762

FILED: JULY 30, 2003

EXAMINER: J. LIN

FOR: MICROPARTICLE-BASED METHODS
AND SYSTEMS AND APPLICATIONS
THEREOF

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Non-Final Office Action mailed on July 3, 2006, the Examiner rejected claims 2, 5-17, and 19 under 35 U.S.C. § 103(a) as being obvious over Templeton *et al.*, Langmuir 15:66-76 (1999), in view of Foos *et al.*, Chem. Mater. 14:2401-08 (2002). Specifically, the Examiner asserted that "it would have been obvious to one of ordinary skill in the art at the time of the invention to have used an ethylene glycol oligomer in the preparation of water-soluble gold nanoparticles of Templeton because Foos teaches that an ethylene glycol oligomer can increase the water solubility of a gold nanoparticle."

I, Ming Zheng, declare that water soluble metallic nanoparticles having a mixed monolayer of a capture coating component and a shielding component were reduced to practice in the United States prior to the online publication date of Foos *et al.* (April 19, 2002). Further to this declaration, I attach notebook pages signed by me and witnessed by co-worker Won Chul Suh (Exhibits 1 and 2), with dates redacted, that exemplify the reduced to practice water soluble metallic nanoparticles made through ligand exchange reactions (Exhibit 1) and through direct synthesis reactions (Exhibit 2).

As a person signing below:

Ser. No. 10/630,248
Docket No. CL1943 US NA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I also declare that all statements were made with knowledge that willful false statements, and the like, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and any such willful false statements may jeopardize the validity of either the patent application or any patent issuing thereon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ming", followed by a long, horizontal, wavy line that extends to the right.

Ming Zheng

12/04/06

Date